

## PCT



INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference A03-40012/MVM/EOF	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/NL 03/00182	International filing date ( <i>day/month/year</i> ) 11.03.2003	Priority date ( <i>day/month/year</i> ) 19.03.2002
International Patent Classification (IPC) or both national classification and IPC B05B11/00		
Applicant AIRSPRAY INTERNATIONAL B.V. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 6 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 5 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand  17.10.2003	Date of completion of this report  25.06.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Innecken, A  Telephone No. +49 89 2399-8911 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/NL 03/00182

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

**Description, Pages**

1-10 as originally filed

**Claims, Numbers**

1-21 received on 07.06.2004 with letter of 07.06.2004

**Drawings, Sheets**

1/5-5/5 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/NL 03/00182**

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1,3-20
	No: Claims	2,21
Inventive step (IS)	Yes: Claims	1,3-20
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-20
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Novelty, inventive step and industrial applicability (Item V)**

**Independent Claim 1**

1. Independent claim 1 meets the requirements of novelty, inventive step and industrial application according to Articles 33(2) to 33(4) PCT.
2. The subject-matter of independent claim 1 is novel as none of the prior art documents cited in the Search Report or acknowledged in the description discloses all of the features of this independent claim.
3. The documents cited in the Search Report do not render any suggestion to a skilled person to construct a combination of a first and a second container as disclosed in **EP443519 (D1)** according to the further features of independent claim 1. The features concerning the arrangement of securing collars and coupling members arranged thereon, result from a step being non-obvious in view of the cited prior art documents in which no incentive is given to provide this specific structure and arrangement. Thus the combination of a first and a second container according to independent claim 1 involves an inventive step.

**Independent claim 2**

4. From **(D1)** (see column 9, line 9 to column 11, line 56 and figures 3 and 4) there is known a combination of a first container 10 and a second container 30 to form a dispensing unit, which first and second containers 10,30 each have a reservoir 24, 44 for a liquid substance and a pump, which is secured to the reservoir 24,44, can be actuated by hand and has a dispensing opening 16,36 and a pump actuating button 12,32 for dispensing substance from the reservoir 24,44, which combination also comprises coupling means 18,20,26; 38,40,46 for coupling together the first and second containers 10,30 in a position next to one another, the coupling means 18,20,26;38,40,46 comprising one or more first coupling members 18,20, 26, which are each arranged on the first container 10, and one or more second coupling means 38,40,46, which are each arranged on the second container 30 and which can each be directly coupled to an associated first coupling member 18,20,26 on the first container 10, wherein a first coupling member 18,20 and an associated second coupling member 38,40 are each arranged fixedly on the pump-actuating button 12,32 of the associated container 10,30 in order to create a stable coupling between the pump-actuating buttons 12,32 of the two containers

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/NL 03/00182

10,30 and wherein the dispensing unit further comprises a reservoir holder 26,46 which is designed to at least partly hold the reservoir 24 of the first container 10 and the reservoir 44 of the second container 30.

5. Thus, it appears that the subject-matter of independent claim 2 is not new as required by Article 33(2) PCT.

**Independent claim 21**

6. Independent claim 21 does not provide any technical features that would distinguish the claimed container from any known container. Thus the container of independent claim 21 is not new as required by Article 33(2) PCT.

**Claims 1 and 2 (Industrial applicability)**

7. The subject-matter of independent claims 1 and 2 is able to work and can be manufactured. Thus the subject-matter of claims 1 and 2 is looked upon as being industrially applicable.

**Dependent claims 3 to 20**

8. Dependent claims 3 to 20, when dependent on claim 1, define further advantageous and non-obvious variations of the combination of a first and a second container according to independent claim 1 and thus equally meet the requirements of novelty, inventive step and industrial application according to Articles 33(2) to 33(4) PCT.

**Certain defects in the international application**

9. The description does not disclose the invention as claimed (see Rule 5.1a) iii) PCT).

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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International application No. PCT/NL 03/00182

**Certain observations on the international application**

**Independent claim 21**

10. Independent claim 21 does not provide any technical features that would define the claimed container. Thus, independent claim 21 contravenes Article 6 PCT in that it is not clear.

07-06-2004

NL0300182

- 11 -

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07.06.2004

## AMENDED CLAIMS

(97)

1. A combination of a first container (1) and a second  
5 container (1') to form a dispensing unit, which first and second  
containers each have a reservoir (2; 2') for a liquid substance  
and a pump (3; 3'), which is secured to the reservoir, can be  
actuated by hand and has a dispensing opening (5; 5') and a  
pump-actuating button (4; 4'), for dispensing substance from the  
10 reservoir, which combination also comprises coupling means (7,  
8, 17, 18, 11, 13; 7', 8', 17', 18', 11', 13') for coupling  
together the first and second containers in a position next to  
one another, the coupling means comprising one or more first  
coupling members (7, 8, 17, 18, 11, 13) which are each arranged  
15 on the first container, and one or more second coupling means  
(7', 8', 17', 18', 11', 13'), which are each arranged on the  
second container and which can each be directly coupled to an  
associated first coupling member on the first container,  
characterised in that  
20 each reservoir has an opening at the top side, in which the pump  
is secured by means of a securing collar, and in that a first  
coupling member (7, 8, 17, 18) and associated second coupling  
member (7', 8', 17', 18') are arranged on the securing collar of  
the first container and the second container, respectively.

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2. A combination of a first container (101) and a second  
container (101') to form a dispensing unit, which first and  
second containers each have a reservoir (102; 102') for a liquid  
substance and a pump (103; 103'), which is secured to the  
reservoir, can be actuated by hand and has a dispensing opening  
30 and a pump-actuating button (104; 104') for dispensing substance  
from the reservoir, which combination also comprises coupling  
means (111; 111') for coupling together the first and second  
containers in a position next to one another, the coupling means  
comprising one or more first coupling members (111), which are  
35 each arranged on the first container, and one or more second  
coupling means (111'), which are each arranged on the second  
container and which can each be directly coupled to an  
associated first coupling member on the first container,

- 12 -

characterised in that a first coupling member (111) and an associated second coupling member (111') are each arranged fixedly on the pump-actuating button of the associated container in order to create a stable coupling between the pump-actuating  
5 buttons of the two containers and that the dispensing unit further comprises a reservoir holder (121) which is designed to at least partially hold the reservoir of the first container and the reservoir of the second container.

10 3. Combination according to claim 1 or 2, in which a first coupling member and an associated second coupling member are each arranged fixedly on the assembly of reservoir and pump of the associated container in order to create a stable coupling between the assemblies of reservoir and pump of the two  
15 containers.

4. Combination according to one or more of the claims 1-3, in which a first coupling member and an associated second coupling member are each arranged fixedly on the pump-actuating button of  
20 the associated container in order to create a stable coupling between the pump-actuating buttons of the two containers.

5. Combination according to one or more of the preceding claims, in which associated first and second coupling members  
25 are designed to form an optionally releasable click-fit connection to one another.

6. Combination according to claim 5, characterized in that the click-fit connection is an optionally releasable sliding click-  
30 fit connection.

7. Combination according to one or more of the preceding claims, in which each reservoir has an opening at the top side, in which the pump is secured by means of a securing collar, and  
35 in which a first coupling member and associated second coupling member are arranged on the securing collar of the first container and the second container, respectively.



- 13 -

8. Combination according to one or more of the preceding claims, in which a pair of first and second coupling members is respectively arranged on the assembly of reservoir and pump of the first and second containers, respectively, in which the coupling members of each pair are complementary with respect to one another and in which the pairs of coupling members are identical to one another.
9. Combination according to claims 7 and 8, in which the securing collars of the first and second containers are identical.
10. Combination according to one or more of the preceding claims, in which the pump of each container has a dispensing passage which extends through the pump-actuating button.
11. Combination according to claim 10, in which the pump-actuating buttons of the first and second containers each have a bearing surface for the other pump-actuating button, and in which the dispensing passage of each pump-actuating button has a dispensing mouth in the vicinity of the bearing surface, so that in the coupled position the dispensing mouths lie adjacent to one another.
12. Combination according to one or more of the preceding claims, in which the first and second coupling members are designed to form a coupling which can no longer be released by a user.
13. Combination according to claims 3 and 4, in which the first and second coupling members are designed to hold the first and second containers at an oblique angle with respect to one another, with the pump-actuating buttons together, and then to couple the containers first of all by means of the coupling members associated with their pump-actuating buttons, and then to pivot the first and second containers towards one another about a hinge which is produced by the coupling members of the pump-actuating buttons, in such a manner that the coupling

- 14 -

members associated with the assembly of reservoir and pump of each of the containers are coupled to one another.

14. Dispensing unit comprising the combination of a first  
5 container and a second container coupled to it according to one or more of the preceding claims.

15. Dispensing unit according to claim 13, which also comprises a reservoir holder which is designed to at least partially hold  
10 the reservoir of the first container and the reservoir of the second container.

16. Dispensing unit according to claim 14, in which the separate reservoirs can be fixed in the reservoir holder by  
15 means of a click-fit connection between the reservoir holder and the respective containers.

17. Dispensing unit according to one or more of claims 13 - 15 in which the dispensing passage in the first container at least  
20 partially merges with the dispensing passage in the second container, and in which the dispensing passages have a common dispensing mouth.

18. Combination or dispensing unit according to one or more of  
25 the preceding claims, in which there is a removable blocking element for blocking at least one of the pump-actuating buttons of the first or second container.

19. Combination or dispensing unit according to claim 17, in  
30 which a blocking element which can be removed, for example can be broken off, is formed integrally on each securing collar.

20. Combination or dispensing unit according to claim 17 or 18, in which the blocking element is a cylindrical clamping element  
35 which is substantially U-shaped in cross section and which, when the actuating button is in its highest position, can be clamped around a narrower section of the actuating button.

07-06-2004

NL0300182

- 15 -

21. Container for a liquid substance which is clearly intended for a combination or dispensing unit according to one or more of the preceding claims.